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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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BENNETT GOLDBERG, :
Plaintiff, : 07 Civ. 7841(RJH)
: **NOTICE OF MOTION**
v. :
LEVEL 3 COMMUNICATIONS, LLC, :
Defendant. :
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PLEASE TAKE NOTICE THAT, upon the Memorandum of Law by Defendant Level 3 Communications, LLC (“Level 3”) in Support of its Motion to Compel Arbitration dated February 15, 2008, the accompanying affidavit in support by James J. Stricker, Esq., the exhibits attached thereto, and the complaint and all other papers and proceedings herein, defendant Level 3 will, on March 12, 2008 at 10:00 a.m., or as soon thereafter as the matter may be heard, before the United States District Court of the Southern District of New York (Hon. Richard J. Holwell, presiding) move for an order compelling arbitration of the above-captioned action.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to this Court’s order dated January 22, 2008, plaintiff’s answering papers, if any, must be served upon the undersigned attorneys for Level 3 by March 5, 2008; Level 3 must serve its reply papers, if any, on plaintiff by March 12, 2008.

No previous motion or application has been made requesting the relief sought by this motion.

Dated: February 15, 2008

Respectfully submitted,

By:

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